IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9095 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BABURAM SITARAM PASI - Petitioner(s)
Versus
THE STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MS BANNA DATTA FOR MR AR SHAIKH for Petitioner(s) : 1,
MR LR POOJARI, AGP for Respondent(s)

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 14/06/2007

ORAL JUDGMENT

Learned AGP Shri Poojari places on record the affidavit in reply.

2. In the present petition, the petitioner has challenged the order of detention dated 12.12.2006

passed by the Commissioner of Police, Surat City in exercise of powers under section 3(1) of the Gujarat Prevention of Anti-Social Activities Act, 1985 (“PASA” for short).

3. The detaining authority was of the opinion that the detention of the petitioner is necessary to prevent breach of public order. The detaining authority formed such an opinion on account of the involvement of the petitioner in an isolated case of breach of Bombay Prohibition Act.

4. In case of a co-detenu, this Court has passed a reasoned order today in Special Civil Application No.2232 of 2007 quashing the order of detention. Therefore, the material being identical, without repeating the reasoning, the present petition is also required to be allowed.

5. Under the circumstances, the impugned order of detention dated 12.12.2006 is quashed. Since the order of detention is quashed, the detenu shall be released forthwith unless involved in any other criminal case or detention. With these directions, the petition is disposed of. Rule is made absolute accordingly.

Direct service is permitted.

[AKIL KURESHI, J.]

(vjn)